

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Norman F. Novak,

Debtor(s).

Bankr. No. 03-44598-NCD
Chapter 7 Case

**NOTICE OF HEARING AND
VERIFIED MOTION REGARDING
OBJECTIONS TO ALLOWANCE OF
CLAIMS**

1. John R. Stoebner, trustee of the above-captioned estate, moves the Court for the relief requested below and gives notice of hearing herewith.

2. The Court will hold a hearing on this motion on September 22, 2004, at 10:30 a.m., in Courtroom No. 7 West, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel can be heard. Any response to this motion must be filed and delivered not later than September 15, 2004, which is seven days before the time set for the hearing, or filed and served by mail not later than September 10, 2004, which is ten days before the time set for the hearing. **IF NO RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE RELIEF REQUESTED WITHOUT A HEARING.**

3. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this case as a Chapter 7 case was filed on June 24, 2003, and the case is now pending before this Court.

4. This motion arises under 11 U.S.C. § 502 and Bankruptcy Rule 3007. This motion is filed under Bankruptcy Rule 9014 and Local Rules 3007-1 and 9013-1 through 9019-

1(d). Movant requests relief with respect to the following objections to allowance of claims. True and correct copies of said claims are attached to the Motion as filed with the Court. A complete copy of this Motion and attached claims may be viewed at the Bankruptcy Court's web site at www.mnb.uscourts.gov.

5. The following claimants filed a Proof of Claim in the above-captioned case.

Claimant	Date Filed	Amount	Type of Claim	Claim No.
United Rentals	07/28/03	\$3,883.11	Unsecured	1
S & S Tree	03/10/04	\$2,243.51	Unsecured	3
Beck's Auto, Inc.	03/12/04	\$1,959.77	Unsecured	5
Rock Gardens, Inc.	03/12/04	\$5,332.14	Unsecured	6
Speedway SuperAmerica LLC	03/24/04	\$2,106.72	Unsecured	12
Central Irrigation Supply	04/05/04	\$2,444.56	Priority	17
Olson Contractors Supply Inc.	04/09/04	\$179.00	Unsecured	19
All Metro Supplies (assigned to Gary Gruber)	03/12/04 05/07/04	\$670.76	Unsecured	8 22

6. The Trustee objects to the claims identified above on the basis that the attachments to the Proof of Claims indicate the claims are the obligation of JBS Landscaping & Irrigation, Inc. and not the Debtor personally. The Trustee made written demand upon Claimants for withdrawal of their claims as not being an obligation owed by the Debtor in this case or, alternatively, for documentation supporting the assertion of personal liability. Claimants failed to respond and/or provide proof of the Debtor's personal liability.

7. Except to the extent Claimants show evidence supporting an assertion of personal liability, said claims should be disallowed.

8. Moreover, with respect to claim no. 17, claimant Central Irrigation Supply has failed to set forth any evidence in support of its assertion that its claim is entitled to priority status. Accordingly, even if said claimant provides competent evidence in support of its assertion of personal liability, such claim should only then be allowed as an unsecured, non-priority claim.

WHEREFORE, the Trustee respectfully moves the Court for an Order that disallows the aforesaid claims, and for such other relief as may be just and equitable.

LAPP, LIBRA, THOMSON, STOEbNER
& PUSCH, CHARTERED

Dated: August 13, 2004

/e/ John R. Stoebner
John R. Stoebner (#140879)
One Financial Plaza, Suite 2500
120 South Sixth Street
Minneapolis, MN 55402
612/ 338-5815

Attorneys for Trustee

VERIFICATION

I, John R. Stoebner, the moving party named in the foregoing Notice of Hearing and Motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on August 13, 2004

/e/ John R. Stoebner
John R. Stoebner, Trustee

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 7

Norman F. Novak,

BKY. No. 03-44598-NCD

Debtor(s)

UNSWORN CERTIFICATE OF SERVICE

I, Sarah L. Fortin, declare under penalty of perjury that on August 13, 2004, I mailed copies of the attached **Notice of Hearing and Verified Motion Regarding Objections to Allowance of Claims and proposed Order** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

NORMAN F. NOVAK 7041 175 TH AVENUE NW RAMSEY, MN 55303	MARY JO A. JENSEN-CARTER, ESQ. BUCKLEY & JENSEN 1339 EAST COUNTY ROAD D VADNAIS HEIGHTS, MN 55109
U.S. TRUSTEE 1015 U.S. COURTHOUSE 300 SOUTH 4 TH STREET MINNEAPOLIS, MN 55415	UNITED RENTALS (CLAIM 1) ATTN: BARBARA GARCIA, OFFICER OR MANAGING AGENT 525 JULIE RIVERS DRIVE SUITE 200 SUGAR LAND, TX 77478
S & S TREE (CLAIM 3) ATTN: CHARLES B. RUEGEMER, VP 405 HARDMAN AVENUE ST. PAUL, MN 55075	BECK'S AUTO INC. (CLAIM 5) ATTN: RAY BECK, OFFICER OR MANAGING AGENT 13585 THRUSH STREET ANDOVER, MN 55304
ROCK GARDENS INC. (CLAIM 6) ATTN: LAURIE SODERMAN, OFFICER OR MANAGING AGENT 6074 HODGSON ROAD LINO LAKES, MN 55014	SPEEDWAY SUPERAMERICA LLC, SUBSIDIARY OF MARATHON ASHLAND PETROLEUM LLC (CLAIM 12) ATTN: R.L. ENSIGN, OFFICER OR MANAGING AGENT P O BOX 1590 SPRINGFIELD, OH 45501-1590

<p>CENTRAL IRRIGATION SUPPLY (CLAIM 17) ATTN: ELIZABETH GEORGE, OFFICER OR MANAGING AGENT 286 COON RAPIDS BLVD. COON RAPIDS, MN 55433</p>	<p>OLSON CONTRACTORS SUPPLY INC. (CLAIM 19) ATTN: KEITH A. OLSON, OFFICER OR MANAGING AGENT 2531 WEST 90TH STREET BLOOMINGTON, MN 55431</p>
<p>GARY GRUBER (CLAIM 8 AND 22) C/O DIAMOND SPORTS BAR & GRILL 7550 HWY 10 RAMSEY, MN 55303</p>	

Executed on: August 13, 2004

/e/ Sarah L. Fortin
Sarah L. Fortin, Legal Secretary
Lapp, Libra, Thomson, Stoebner &
Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612/338-5815

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY Case No. 03-44598-NCD

Chapter 7 Case

Norman F. Novak,

ORDER REGARDING CLAIMS

Debtor.

At Minneapolis, Minnesota this 22nd day of September, 2004.

This matter came on for hearing before the undersigned Bankruptcy Judge on the 22nd day of September, 2004, on the Trustee's objection to allowance of claims. Appearances, if any, were as noted in the record.

Upon the Motion of the Trustee, and the documents of record herein, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. Claim Nos. 1, 3, 5, 6, 8, 12, 17, 19, and 22 are disallowed.

Dated: _____, 2004

Nancy C. Dreher
United States Bankruptcy Judge